

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

SEPTEMBER 19, 2007

The **Regular Meeting** of the Council of Commissioners was called to order Wednesday, **September 19, 2007** in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by Chief Executive Paul Babb.

ROLL CALL

12 present, 0 absent

PRAYER

Commissioner Fay led the commissioners in prayer.

APPROVAL OF THE MINUTES OF THE SEPTEMBER 12, 2007 SPECIAL MEETING

It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to approve the Minutes of the September 12, 2007 Special Meeting.

ITEMS NOT ON THE AGENDA - SUSPENSION OF THE RULES

It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by a roll call vote of 12 yeas and 0 nays that in accordance with the provisions of Subsection 6 of Rule VI of the Rules of Business of the Council of commissioners of the City and County of Butte-Silver Bow, State of Montana, the Council hereby finds that an emergency condition exists which requires that the Council rules be suspended to all Communication No. 07-630 to be added to the agenda of tonight's Regular Meeting of the Council.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

None

CHIEF EXECUTIVE'S REPORT

Chief Executive informed the Council that five people went up to Great Falls and met people from their Parks and Recreation Department. They are going to be sending some of the information as far as operation costs and everything that they went through. They do have a pool that is similar to ours. They are going through a refurbishment of it. They do have a spray park and a flow rider. We will have some good information that will be forthcoming and he will share it with anybody who is interested.

He encouraged everyone to visit our new web site if they haven't already seen it. If you have any suggestions or anything that you would like to add, let us know and we'll take care of that.

Tomorrow at 5:30 at Hops the Folk Festival is having an informational meeting. He encouraged anyone who is interested to attend. It will run until 7PM.

SECTION I

INFORMATIONAL REPORTS COMMUNICATION NO. 07-576

Charlie O'Leary, Chairman of Council of Commissioners, requesting time on the 9/19 agenda for reports from recipients of 2006 Economic Mill Levy Funds and time on the 9/26 agenda to accept proposals for 2007 Economic Development Mill Levy Funds. (**Communication No. 07-576 being held in Committee of the Whole**)

(1) Advantage Butte. Represented by Bill Melvin and Billie Shovlin

Bill Melvin, 911 Montrose. He passed out handouts. Advantage Butte recruits sporting effects and other events to our Community. Advantage Butte received \$15,000 in a grant. The return of the grant money to the community is greater than 100 fold. This is a group of local businessmen and arena managers, athletic directors, Chamber of Commerce, etc. that gets together to bring these tournaments in. Billie Shovlin thanked the council for the monies from last year.

(2) St. James Healthcare Foundation represented by Kevin Dennehy, 22 Redwood Drive

During the summer months St. James Healthcare put on a Nursing Academy, a 10-week workshop held at Montana Tech Campus. It represented nursing students from the nine schools through the state of Montana who are in their last year of school. This program is designed to help retain nurses and keep nurses in Montana. As part of the grant they had obtained they needed to \$125,000 of matching funds. The \$7,500 we received from this council helped with those matching grants. They will run the program again next year. We will increase it to 24 students next year. We will not be asking for money this year.

(3) World Museum of Mining, represented by Tracy O'Neill, 3636 Albany.

They received a \$5,000 grant last year that allowed them to do a great deal of marketing work. Their tourism numbers went up by about 25% this year and were visited by 48 states and 5 countries.

(4) Main Street Uptown Butte, represented by George Everett, 943 Caledonia St.

They were awarded \$5,000 of the Economic Levy Funds. Last year Mainstreet Uptown Butte proposed that we participate in national competition to select the location of the National Folk Festival. Our proposal was selected as the winner. In a field of more than 20 communities from throughout the country Butte was selected was to host the 70th, 71st and 72nd National Folk Festival starting next summer on July 11, 12 and 13. Butte is the first city west of the Mississippi to be selected as the host in more than 40 years. The Economic Mill Levy funding allowed us to organize and host cite visits to Butte by the founding entity that will stage the festival in Butte in 2008. So far they have visited Butte in March, May, August and September and they will be back again to discuss programming.

(5) Montana Gaelic Cultural Society represented by Mike Tutty, 418 Virginia
An Ri'Ra represented by Frank Walsh, 921 Zarelda Street

Mr. Tutty explained that the money they were given was used for the stage, lights and sound. The total budget this year came around \$170,000,

Frank Walsh thanked the council for the funds and said the event has continued to grow.

(6) Chamber of Civic Improvement Committee represented by Chuck Ugetti,
1331 Steel Street.

\$7,000 was allocated to this committee and was used for the hanging baskets on the streets of Butte. They expended \$4250.00 for 75 hanging baskets. 75 liners and 75 brackets. They have a balance of \$2,750. The second thing we targeted in the Committee was start garbage bins along Harrison Avenue. That project was taken over by Butte Weed. The balance of that money will be going forward.

(7) Evel Knievel Days represented by Chad Harrington, 110 Meadow View Drive.

Last year you granted this committee \$8,000.00. That was earmarked for insurance for the event. The event usually costs \$160,000 to \$170,000. Every year it keeps getting more and more expensive. We will be applying for the \$8,000 again this year.

(8) Butte-Silver Bow Arts Foundation represented by Glenn Bodish, 325 W. Gold.

He introduced Shawn Crowe, Manager of the Coffee Shop, Venus Rising. This is the third year in a row that they have received money. That money has come down over the past three years. This year it was \$10,500. He showed several displays which showed their plans for the YMCA building.

SECTION II PUBLIC HEARING (CONTINUATION)

FOR THE PURPOSE OF FIXING THE FINAL BUDGET AND MAKING APPROPRIATIONS. (Communication No. 07-533 being held in Committee of the Whole) Proof of publication was noted and placed on file 8/15/07.

Jeff Amerman, Finance and Budget Director, came to the microphone and called their attention to the latest and final resources and requirements for the tax-supported funds. Also an Addendum A. We ended up with a total levy of 298 mills. He explained the Addendum A. He requested that when the resolution comes up on the agenda that you pass the budget as presented including Addendum A dated 9/19/07.

Chief Executive Babb then opened the public hearing and called for any proponents. On the third and final call there being none he called for opponents. Again there was no response so he closed the public hearing.

SECTION III PUBLIC HEARING

FOR THE PURPOSE OF HEARING PROPOSALS SUBMITTED FOR THE 1600 BLOCK OF HANCOCK STREET, LOTS 10-14, BLOCK 15, NORTHERN PACIFIC ADDITION. (Communication No. 07-568 being held in Committee of the Whole) Proof of publication was noted and placed on file.

Dori Skrukrud, Assistant Community Development Director, gave the staff report. She said they received one proposal in response to that RFP from Tom Hardesty of Atcheson Taxidermy, Inc.

Chief Executive Babb opened the public hearing at 8:30 PM and called for any proponents. The following came forward:

1. Tom Hardesty, 1965 Utah
2. Greg Gardiner, 3031 Quincy
3. Russ Connole, 1709 Gladstone
4. Bob Whalen

Chief Executive Babb then called for any opponents. On the third and final call there being none, he called the public hearing closed.

SECTION IV

CONSENT AGENDA

- A. 1. COMMITTEE OF THE WHOLE MEETING REPORT
- 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
- 3. JUDICIARY COMMITTEE MEETING REPORT
- 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for any segregations or friendly amendments.

Commissioner Lee called for a “friendly amendment” to the Committee of the Whole Meeting Report. Section XVII, Communication No. 07-585. The recommendation should read “Committee recommends approval of the request as outlined in Attachment “F” instead of Attachment “E”.

Commissioner O’Leary had two “friendly amendments” under the Committee of the Whole Meeting Report. Section II and Section VII. On Section II to show that the bid was awarded to sole bidder, Thomas Roofing and place the Communication on file. On Section VII to include that they did pass the addendums and motions.

Commissioner Coleman made a “friendly amendments to the Judiciary Committee Meeting Report, Section III, Communication No. 07-598 to read “Committee recommends approval and forward to the County Attorney’s Office to make the necessary changes.” He segregated Section VI, Council Resolution No. 07-77 in the Judiciary Committee Meeting Report.

Commissioner Shaw made a “friendly amendment” to the Regular Meeting of the Committee of the Whole Section I the date of the agenda should read 9/26

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1 through 4 with the exception of the Judiciary Report Section VI and Section B, Items 1 through 25.

Council Resolution No. 07-77

Chief Executive Babb said the Committee report would be amended to recommend that it be approved and placed on final reading. A Special Meeting will be called for September 26, 2007 to pass this resolution. Coleman moved that the recommendation on Council Resolution No. 07-77 be changed to move to final reading and passed. Commissioner Moodry seconded the motion and it passed with a unanimous verbal vote.

SECTION V

COMMUNICATIONS TO BE READ AND ACTED UPON

1. 07-620 Jon Sesso, Planning Director, requesting authorization for Chief Executive to sign Operating Agreement to produce the 2008, 2009 and 2010 National Folk Festival.

George Everett, 943 Caledonia, representing Mainstreet Uptown Butte. This is for what we already do for other festivals.

It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to concur with the request in Communication No. 07-620 and place on file.

2. 07-627 Eileen Joyce, Deputy County Attorney, requesting creation of a sub-committee for lawsuit with Mykl Meagher.

It was moved by Commissioner O'Leary to concur with the request in Communication 07-627 and seconded by Commissioner Lee. On the question County Attorney McCarthy said that the courts now insist that there be attempts at dispute resolution in all law suits and that what this is all about. The court has directed it. Mr. Carson Taylor is a mediator and will be conducting the mediation. What was omitted from the letter is pointing out that his fees are \$160.00 per hour for mediation and \$80.00 per hour for travel and he will be traveling from Bozeman to Butte. These costs are split 50/50 between each of the parties and so he would like to have the letter amended to include authorization to expend those monies. Commissioner O'Leary suggested we pass the motion now and go back later in the evening to give others a chance to consider volunteering. **The motion passed with a unanimous verbal vote.**

Communication No. 07-630 (Emergency)

It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried with a unanimous verbal vote to concur with the request in Communication No. 07-630 and place on file.

SECTION VI

ORDINANCES AND RESOLUTIONS - REFERRED TO JUDICIARY

1. **COUNCIL BILL NO. 07-15
ORDINANCE NO. 07-15**

AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. 204 AND SECTION 10.40.050 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-

SECTION VII

**ORDINANCES AND RESOLUTIONS –
FINAL READING**

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried with a roll call vote of 12 yeas and 0 nays that in accordance with the provisions of Subsection 6 of Rule VI of the Rules of Business of the Council of Commissioners of the City and County of Butte-Silver Bow, State of Montana, the Council hereby finds that an emergency conditions exists which requires that the Council rules be suspended to allow Communications

No. 07-80, 07-81,07-82, 07-83, 07-84, 07-85, 07-86, 07-87, 07-88 and 07-89 be added to the agenda of tonight's Regular Meeting of the Council.

1. COUNCIL RESOLUTION NO. 07-80

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING THE STREET ADJACENT TO LOTS 14, 15, 16, 17 AND 18, THE ALLEY ADJACENT TO LOTS 9,10, 11, 12 AND 13 AND THE ALLEY ADJACENT TO LOTS 3, 4, 5, 6, 7 AND 8, ALL IN BLOCK 45 OF THE SOUTH PARK ADDITION WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AMENDING COUNCIL RESOLUTION NO. 07-1; PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN. **It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by a roll call vote of 12 yeas and 0 nays to place council Resolution No. 07-80 on final reading and passed having been deemed fully read at length.**

2. COUNCIL RESOLUTION NO. 07-81

A RESOLUTION ADOPTING THE FINAL BUDGET OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA FOR THE FISCAL YEAR 2007 – 2008 AND SETTING LEVIES FOR FISCAL YEAR 2007 – 2008 BASED ON THE VALUE OF A MILL OF \$48,416.00 CITY-COUNTY WIDE AND DECLARING THAT ALL PROTESTS AGAINST SAID BUDGET HAVE BEEN HEARD AND DISPOSED OF; DECLARING THAT SAID BUDGET CONTAINS A CORRECT STATEMENT OF THE AMOUNT TO BE APPROPRIATED FOR EACH OF THE FUNDS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW FOR THE FISCAL YEAR BEGINNING ON THE 1ST DAY OF JULY, 2007 AND ENDING ON THE 30TH DAY OF JUNE, 2008, AS FIXED IN SAID BUDGET PASSED ON THE 19TH DAY OF SEPTEMBER, 2007 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by a roll call vote of 8 yeas and 4 nays to place Council Resolution No. 07-81 on final reading and passed having been deemed read at length. Voting nay were Commissioners Sheehy, Moodry, Foley and Mulcahy.**

3. COUNCIL RESOLUTION NO. 07-82

A RESOLUTION FIXING THE TAX LEVY OR SERVICE CHARGE FOR THE VARIOUS FUNDS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY OR SERVICE CHARGE FOR EACH FUND FOR FISCAL YEAR 2007 –2008 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was**

moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 9 yeas and 3 nays to place Council Resolution No. 07-82 on final reading and passed having been deemed fully read at length. Voting nay were Commissioners Sheehy, Moodry and Foley.

4. COUNCIL RESOLUTION NO. 07-83

A RESOLUTION FIXING THE MANDATORY TAX LEVIES FOR THE VARIOUS FUNDS OF THE STATE OF MONTANA AT THE RATE WHICH WILL RAISE THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2007 – 2008 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 10 yeas and 2 nays to place Council Resolution No. 07-83 on final reading and passed having been deemed fully read at length. Voting nay were Commissioners Sheehy and Moodry

5. COUNCIL RESOLUTION NO. 07-84

A RESOLUTION FIXING THE TAX LEVY FOR THE TOWN OF WALKERVILLE, STATE OF MONTANA AT A RATE WHICH WILL RAISE THE AMOUNT SET OUT IN THE FINAL BUDGET AS THE AMOUNT NECESSARY TO BE RAISED BY TAX LEVY FOR EACH FUND FOR FISCAL YEAR 2007 - 2008 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 12 yeas and 0 nays to place Council resolution No. 07-84 on final reading and passed having been deemed fully read at length.

6. COUNCIL RESOLUTION NO. 07-85

A RESOLUTION ESTIMATING AS NEAR AS POSSIBLE THE COST OF MAINTAINING SPECIAL IMPROVEMENT DISTRICTS NUMBER 401 AND NUMBER 402 FOR THE PURPOSE OF FIRE HYDRANT RENTAL WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, FOR THE FISCAL YEAR 2007 – 2008 AND COUNTY PROVIDING FOR AN EFFECTIVE DATE HEREIN. It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 12 yeas and 0 nays to place Council Resolution No. 07-85 on final reading and passed having been deemed fully read at length.

7. COUNCIL RESOLUTION NO. 07-86

A RESOLUTION LEVYING SPECIAL ASSESSMENTS TO PAY THE COSTS OF LIGHTING WITHIN THE SPECIAL IMPROVEMENT DISTRICTS ENUMERATED BY THIS RESOLUTION WITHIN THE CITY AND

COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, FOR THE FISCAL YEAR 2007 – 2008 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 12 yeas and 0 nays to place Council Resolution No. 07-86 on final reading and passed having been deemed fully read at length.

8. COUNCIL RESOLUTION NO. 07-87

A RESOLUTION FIXING AND ESTABLISHING SEWER RATES AND SERVICE CHARGES FOR THE OPERATION AND MAINTENANCE OF THE METRO SEWER SANITARY AND STORM SEWER SYSTEM AND FOR THE OPERATION AND MAINTENANCE OF THE METRO SEWER TREATMENT PLANT BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA FOR FISCAL YEAR 2007 – 2008; FIXING AND ESTABLISHING AN ADDITIONAL CHARGE FOR A CAPITAL IMPROVEMENT FUND TO DEFRAY THE COST OF ENVIRONMENTALLY MANDATED IMPROVEMENTS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 12 yeas and 0 nays to place Council Resolution No. 07-87 on final reading and passed having been deemed fully read at length.

9. COUNCIL RESOLUTION NO. 07-88

A RESOLUTION LEVYING A SPECIAL ASSESSMENT FOR THE FISCAL YEAR 2006 – 2008 AGAINST THE PROPERTY FROM WHICH SOLID WASTE IS TO BE COLLECTED AND REMOVED FROM EACH INDIVIDUAL DWELLING COLLECTION UNIT FOR THE PURPOSE OF DEFRAYING THE COST AND EXPENSES OF COLLECTING AND REMOVING SAID SOLID WASTE; LEVYING A LANDFILL FACILITY ACCESS FEE FOR THE FISCAL YEAR 2007 – 2008 AGAINST THE PROPERTY FROM WHICH SOLID WASTE IS TO BE DISPOSED OF FOR EACH INDIVIDUAL DISPOSAL UNIT FOR THE PURPOSE OF DEFRAYING THE COST AND EXPENSES OF MAINTAINING AND OPERATING SAID SOLID WASTE DISPOSAL FACILITY AND ESTABLISHING A SCHEDULE OF FEES FOR SUCH ASSESSMENT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 12 yeas and 0 nays to place Council Resolution No. 07-88 on final reading and passed having been deemed fully read at length.

10. COUNCIL RESOLUTION NO. 07-89

A RESOLUTION FIXING THE RATE OF ASSESSMENT TO FINANCE THE COST OF EACH STREET MAINTENANCE DISTRICT WITHIN THE CITY

AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, FOR THE FISCAL YEAR 2007 – 2008 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, carried by Commissioner Lee and carried by a roll call vote of 12 yeas and 0 nays to place Council Resolution No. 07-89 on final reading and passed having been deemed fully read at length.**

ADJOURN

Once again Commissioner O’Leary called for volunteers for the sub-committee For the lawsuit with Mykl Meager. Commissioners Sheehy, Granger and Moodry volunteered.

Commissioner O’Leary then expressed his feelings about so many voting against the final budget. He believes it is the best we have had in many years. Commissioner Sorich commented that the new budget is taking us in the right direction.

Commissioner O’Leary informed the council that we will order new blinds for the Council Chambers at about \$1500.00 cost and will have the painter paint those window frames before it is done.

There being no further business to come before the Council, it was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to Rise to the Call of the Chair.

The meeting adjourned at 9:10 PM

CHIEF EXECUTIVE

ATTEST

CLERK AND RECORDER

